

FILED**UNITED STATES DISTRICT COURT**

November 02, 2021

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

for the

Western District of Texas

Alpine Division

BY: Joseph Hinojos
DEPUTY

United States of America

v.

David Alexander GONZALEZ-DIAZ

Case No. **PE: 21-MJ-1107***Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 29, 2021 in the county of Culberson in the
WESTERN DISTRICT OF TEXAS, the defendant(s) violated:*Code Section*Title 8 USC 1324(a)(1)(A)(ii) &
(v)(I) & (B)(i) & (B)(iv)*Offense Description*

Knowingly and intentionally conspired with others known and unknown to transport undocumented aliens by means of a vehicle within the Western District of Texas in knowing or reckless disregard of the fact that said alien had come to, entered, or remained in the United States in violation of law, and transported said aliens within the United States by means of a vehicle, for the purpose of private financial gain or commercial advantage, which resulted in the death of certain aliens.

This criminal complaint is based on these facts:



Continued on the attached sheet.

Complaint sworn to telephonically and
signed electronically on this date.
FED.R.CRIM.P. 4.1(b)(2)(A)Date: 11/02/2021City and state: Pecos, Texas/s/ Benjamin D. Wilson*Complainant's signature*Benjamin D. Wilson, Special Agent*Printed name and title**Judge's signature*Honorable Judge David B. FanninUnited States Magistrate Judge

AFFIDAVIT

On October 29, 2021, at approximately 5:25 am, Culberson County Sheriff Dispatch received a call of a vehicle crash on Highway 54, north of Van Horn, Texas. Culberson County Sheriff's Office and Texas Department of Public Safety Troopers responded to a single vehicle accident, involving a Nissan Pathfinder. The vehicle contained 15 passengers. As a result of the crash, four people died, six people were transported to University Medical Center in El Paso, Texas, in critical condition, and five people were sent to Culberson County Hospital to be medically examined. The five people sent to Culberson County Hospital were treated and released.

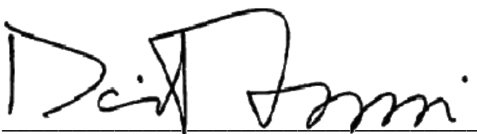
It was believed the five people were Undocumented Non-Citizens (UNCs). Van Horn Border Patrol responded to Culberson County Hospital to determine alienage. It was determined all five people were citizens of Guatemala without the proper documentation to be in or remain in the United States. All five people were detained and transported to the Van Horn Border Patrol Station. Homeland Security Investigations (HSI), Special Agent (SA) Benjamin Wilson was informed of the situation and responded to Van Horn Border Patrol Station to investigate. SA Wilson interviewed the five subjects detained at the station. Border Patrol Agent-Intelligence (BPA-I) George Talavera aided with interpretation.

SA Wilson and BPA-I interviewed Yony Wilmer-Alexander LOPEZ-LOPEZ, after reading LOPEZ-LOPEZ his Miranda warning. LOPEZ-LOPEZ stated he crossed into the United States with a group of people one week prior. LOPEZ-LOPEZ stated when they arrived at the staging location, waiting for pick up, LOPEZ-LOPEZ's group met with another group. LOPEZ-LOPEZ stated there were approximately 15 people waiting to be picked up. LOPEZ-LOPEZ stated when the pick up vehicle arrived, there was no other person inside but the driver. LOPEZ-LOPEZ identified David Alexander GONZALEZ-DIAZ as the driver of the Nissan Pathfinder. LOPEZ-LOPEZ stated he knew GONZALEZ-DIAZ was the driver because LOPEZ-LOPEZ attempted to enter the front passenger seat of the vehicle and could see the driver.

SA Wilson and BPA-I Talavera interviewed GONZALEZ-DIAZ. GONZALEZ-DIAZ was read his Miranda warning and agreed to speak with agents. GONZALEZ-DIAZ stated he had illegally crossed into the United States about two months prior. GONZALEZ-DIAZ stated the smuggling organization he used knew he had a driver license from Guatemala. GONZALEZ-DIAZ was told he was going to be a driver for the organization. GONZALEZ-DIAZ admitted to two prior times of transporting UNCs. GONZALEZ-DIAZ admitted this was his third time. GONZALEZ-DIAZ stated he was going to be paid \$200 per person to transport the people to Carlsbad, New Mexico. GONZALEZ-DIAZ stated a person drove him from Hobbs, New Mexico to Carlsbad, New Mexico where he picked up the Nissan Pathfinder. GONZALEZ-DIAZ stated he began his travel from Hobbs, New Mexico at approximately 11-11:30 pm on October 28, 2021. GONZALEZ-DIAZ stated approximately 15 people entered the vehicle and some people had to ride in the cargo area of the Nissan Pathfinder. GONZALEZ-DIAZ stated people were traveling in the rear cargo area of the vehicle. GONZALEZ-DIAZ stated he left the load up area and began driving approximately 80 miles per hour. GONZALEZ-DIAZ states the steering wheel began to vibrate and the vehicle began to swerve in the lanes of traffic. GONZALEZ-DIAZ stated the vehicle went off the edge of the road. GONZALEZ-DIAZ stated when the vehicle left the road GONZALEZ-DIAZ was unable to control it anymore and crashed.

/S/ Benjamin D. Wilson
Benjamin D. Wilson
Homeland Security Investigations

Complaint sworn to telephonically on
November 02, 2021 and signed electronically.
FED.R.CRIM.P. 4.1(b)(2)(A)



David B. Fannin United States Magistrate Judge